

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.257 of 2019

Arising Out of PS. Case No.-318 Year-2018 Thana- SARAIYA District- Muzaffarpur

Md. Asif, son of Md. Azad @ Md. Ansar Azad, resident of village, Chaknor,
P.S. Mufassil, District, Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Ram Priya Saran Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Saraiya P.S. Case No. 318 of
2018 registered for the offence punishable under Sections 25(1-
b)a, 26 and 35 of the Arms Act.

Informant is a Police Officer who has alleged that on
22.07.2018 at about 10 a.m. when he was checking vehicles,
he saw three persons coming on motorcycle and on suspicion,
they were stopped and on search being made, arms were
recovered from the possession of the petitioner along with other
accused persons.

It has been submitted on behalf of the petitioner that
he is innocent and has falsely been implicated in this case.
Petitioner is accused in one more case of Arms Act and he is in
custody since 22.07.2018.



Considering the nature of offence and also the fact that the petitioner is accused in one more cases of Arms Act, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is hereby rejected.

However, **after completion of one year** in judicial custody, the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, 1st (West) Muzaffarpur in connection with Saraiya P.S. Case No. 318 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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